

Academic freedom. Shared values.

Oct. 14, 2015

Faculty Colleagues,

These are the remarks I delivered to the October 12 meeting of the University Senate.

Much has been written and said about recent events and their implications for academic freedom in particular and, more broadly, the relationship between a University's faculty and a University's administration.

I want to point out with respect and appreciation that trustees Brothers, Grossman, and Wilson and Chair Hippisley serve the faculty very well as advocates and serve the administration well as partners. Sometimes we disagree. But every time they challenge me to think anew helps me better serve.

The relationship between the faculty and administration of our University must be defined by the twin aspirations to mutual respect and mutual accountability.

Mutual respect requires that we all hold dear the principles that define academic freedom. In April 2012, our campus welcomed Dean Robert Post of the Yale Law School. Dean Post has written widely about academic freedom and its essentiality to the work of universities. He argues that "[t]he basic idea of academic freedom is simple and unanswerable: knowledge cannot be advanced unless existing claims to knowledge can with freedom be criticized and analyzed."

I agree. The advance of our understanding of the world around us compels us to pursue answers to every question; attempt to resolve every issue; and to never allow assumptions to go unreviewed. Indeed, our collective efforts must always be aimed at understanding our past with honesty and clarity; observing our present with intelligence and mutual respect; and shaping our future with knowledge and resolve. And we must be able to do so always with autonomy of purpose and without fear of punishment. This is our sacred and essential duty to each other, our students, our patients, our community, and our world.

If the members of the community of the University of Kentucky are unwilling or unable to respect and abide these principles, we should close our doors immediately because we are not worthy of the mantle of pursuers of knowledge.

But this does not mean every utterance and action on our campus can seek protective shelter under the cloak of academic freedom. As Dean Post also observes, a public university may not punish an astronomy professor who writes a letter to the editors claiming the Moon is made of Green Cheese, but it certainly can deny him tenure in the astronomy department on the grounds of incompetence.

Dean Post is right. A law professor may criticize the rationale for *Brown v. Board of Education*, but may not use racist or sexist stereotypes in interactions with students. A physician may use finely honed knowledge and finely trained skills to preserve the lives and well-being of patients, but may not use abusive language and behaviors that can affect the quality of care even in the most trying of circumstances. A senior faculty member may push other faculty and staff to work harder and perform better, but may not insult, demean, or intimidate other members of our community.

Academic freedom presupposes a marriage of free inquiry and professional competence. Even in our celebration of the necessity of academic freedom, we remain bound together as a community of scholars, students, staff, patients, alumni, friends, and visitors. And we owe it to one another to do our work with energy and intellect, but with a deeply held fidelity to mutual respect and inclusion.

We must not, and so long as I am here, we will not tolerate anything less.

When a member of our community fails to embrace the standards of community and professional competence, I am guided by several principles.

I will do what is necessary to protect our students, our patients, our staff, our faculty, and our visitors.

I will comply with the laws of our Commonwealth and the United States and the ethical principles of our University.

I will respect our established processes; and will expect all participants in and observers of these agreed upon processes to discharge their responsibilities without interference in a dispassionate and professional way.

I will work with seriousness of purpose, professionalism, and discretion with respect for the institution, our processes and policies; and with all individuals involved including those who may have violated University policy and engaged in unacceptable behavior and those with the courage to come forward with allegations of wrongdoing.

When discipline is required, I will consult with relevant persons. I will gather feedback from those who have daily interaction with our faculty, staff, students, patients, and visitors as well as those who are experts on the legal, regulatory, and accreditation requirements. I also will weigh, when appropriate, past behaviors, compliance with previously agreed upon progressive disciplinary actions, and willingness to accept responsibility.

We will hold accountable those who break our rules and those who treat others with disrespect.

But as we do so, the faculty and other members of our community are right to hold the administration accountable for our actions. I assure you we will make mistakes. It comes from attempting to manage a \$3.4 billion dollar enterprise located on 70 acres and populated by 30,000 students, 2,700 faculty, and 15,000 staff.

But it also comes from being human and all of us are prone to error.

When we make mistakes, it is right to call attention to it. And it is essential that we fix it. And we will.

We also must constantly work to strengthen our communications with the entire community in appropriate and timely ways. There have been and will be times when our communications are not as clear or as timely as they need to be. It is right to hold me and other members of the University's administration accountable. I am disappointed with how some recent decisions have been handled,

but they all are my responsibility. I accept that without hesitation. Criticism is appropriate when grounded in facts. All the facts.

But what I do find disappointing and unproductive is the seemingly constant effort on the part of some members of our community to rush to judgment at every perceived error. And rather than reach out in an attempt to understand all the fact and circumstances, the sad instinct is to immediately rush to public criticism. And that criticism, in the absence of facts, is little more than an ill-informed rant and often takes on a personal and mean-spirited tone toward the Administration in general and individual administrators in particular. While you may find some peculiar pride in doing so, I believe it reflects poorly on the faculty colleagues for whom you claim to speak.

We have taken unprecedented measures in recent months as a member of our community chose by word and deed to abandon our shared commitment to mutual respect and inclusion. These days are sad. We took action, as our rules and our principles required. This in many ways is new ground we are tilling. And our management of the results of the actions of our Board of Trustees has been imperfect. And for that I apologize. We will continue to review how best to enforce the decisions of the Board but we will do so with the guiding principle of protecting all members of our community. And we will work with all relevant parties to communicate better and work more effectively.

I look forward to continuing to work with all of you and the entire faculty to strengthen our University and serve best our students and patients and the citizens of the Commonwealth. And we must aim to do so with mutual respect and mutual accountability; and always in the spirit of community.

This I believe. This I hold sacred. And I believe in you.

Eli Capilouto